

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6109

BILL NUMBER: SB 99

NOTE PREPARED: Nov 11, 2011

BILL AMENDED:

SUBJECT: Redistricting.

FIRST AUTHOR: Sen. Delph

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Redistricting Commission-* The bill establishes a Redistricting Commission to create, hold hearings on, take public comment about, and recommend plans to redraw General Assembly (GA) districts and congressional districts.

Commission Staff and Administration- The bill requires the Legislative Services Agency (LSA) to provide staff and administrative services to the Commission. The bill establishes standards to govern the Commission and the LSA in the creation of redistricting plans.

Constitutional Exception- The bill provides that if the Constitution of the State of Indiana does not require the GA to establish legislative districts, the Commission's recommendations for legislative plans define those districts.

General Assembly Action- The bill provides that if the Constitution requires the GA to establish the districts, the GA must meet and enact redistricting plans before October 1 of a redistricting year. The bill authorizes the GA to convene in a session to act on redistricting bills at times other than the times the GA is currently authorized to meet.

Violations- The bill provides that a person employed by the LSA or under contract with the LSA may not knowingly or intentionally use political data in the creation or evaluation of a redistricting plan. The bill provides that a person may not knowingly or intentionally solicit, aid, induce, or cause a person employed by the LSA or under contract with the agency to use political data in the creation or evaluation of a redistricting plan. The bill makes a violation of these restrictions a Class D felony.

Repealer & Appropriation- The bill repeals the current law relating to congressional redistricting by a commission when the GA fails to enact a congressional redistricting plan. The bill appropriates, from the state General Fund, the amounts necessary to pay the expenses of implementing the statute.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Redistricting Commission-* The proposed Commission would have nine members, eight of whom would be appointed by the President Pro Tempore of the Senate, Speaker of the House, Senate Minority Leader, and House Minority Leader. The eight appointed members would convene to appoint the ninth member, who would be the chair. The member selected as the chair may not be a member appointed by the appointing authorities and must meet the qualifications outlined in the bill. Commission members would be required, not later than June 30 of a redistricting year, to hold at least one public hearing in the northern, southern, and central regions of Indiana. By August 1 of a redistricting year, the Commission would adopt and submit a redistricting plan to the consideration of the GA. Commission members would be entitled to the same per diem and mileage reimbursement allowed a member of the GA appointed to an interim study committee.

General Assembly Action- If the State Constitution does require the GA to convene to adopt new districts, the Commission would present its recommendations to the GA for consideration and the enactment of legislation before October 1. Given the dates in the bill for Commission action, a special session would likely be required to consider the Commission's recommendation. The following table presents a cost estimate for a special session with six session days.

Estimated Costs for a Six-Day Special Session	
Legislators (150 total)	Six Session Days
Per Diem*	\$82,080
Travel**	\$15,526
Total***	\$97,606
<p>* Effective 10/1/11, legislators receive \$152 per diem for every day in session (including Saturday and Sunday) and \$60.80 per diem for every day not in session. The net effect on expenditures is an additional \$91.20 per diem for every day in session.</p> <p>** Legislators are entitled to mileage for one round trip per week while in session.</p> <p>*** The House and Senate would also incur an unknown minor amount of expense for temporary session staff (doorkeepers and other temporary staff).</p>	

Since the bill does not specify the length of a special session, the actual cost would depend on the time length of any special session held under the bill's requirements.

Constitutional Exception- However, if the State Constitution does not require the GA to convene to adopt new legislative and congressional districts, then the proposed Commission's recommendations would become the new districts.

Commission Staff and Administration- LSA would be required to staff Commission meetings. LSA would

also be required to create maps, write map descriptions, evaluate publicly submitted maps, and receive written public comments on the Commission's behalf. If the current year were a redistricting year, the LSA would be able to carry out these provisions within the agency's existing level of resources. However, the effect on LSA expenditures would depend on the agency's budgetary needs in redistricting years for the proposed Commission. The next redistricting year will be 2021.

Violations- A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Violations-* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Violations-* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Violations-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Legislative Services Agency; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *Indiana House and Senate Journals Indexes, 2007 & 2011.*

Fiscal Analyst: Chris Baker, 317-232-9851.